

THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
No. 4:12-cv-00125-D

ERNESTO CARABALLO,

Plaintiff,

v.

CAROLYN W. COLVIN,
Acting Commissioner
of Social Security,

Defendant.

CONSENT ORDER FOR PAYMENT
OF FEES AND COSTS PURSUANT TO
THE EQUAL ACCESS TO JUSTICE ACT

This matter being submitted to the Court for entry of a Consent Order agreed to by the parties, and it appearing that Plaintiff, by and through his attorney, has executed this Consent Order, and Defendant has executed this Consent Order, by and through the undersigned Special Assistant United States Attorney; and it appearing that the parties have agreed to an award to the Plaintiff of \$7,300.00 for attorney fees in full and final settlement of all claims arising from the above captioned case pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d); and it appearing further that Plaintiff has assigned his right to payment of such fees and costs to his attorney; and

Pursuant to *Comm'r of Soc. Sec. v. Ratliff*, 560 U.S. 2521, 130 S. Ct. 2521, 177 L. Ed. 2d 91 (2010), the fee award will first be subject to offset of any debt Plaintiff may owe to the United States. Defendant will determine whether Plaintiff owes a debt to the United States. If so, the debt will be satisfied first, and if any funds remain, they will be made payable to Plaintiff and

mailed to Plaintiff's counsel. If the United States Department of the Treasury reports to the Commissioner that Plaintiff does not owe a federal debt, the government will exercise its discretion and honor the assignment of EAJA fees, and pay the awarded fees to Plaintiff's counsel.

It is therefore ORDERED, this 15 day of August, 2013, that Plaintiff shall be, and hereby is, awarded the sum of \$7,300.00 in full satisfaction of any and all claims against Defendant arising under the EAJA, 28 U.S.C. § 2412(d), and upon the payment of such sum, Defendant shall be discharged from any further liability for fees, costs, or expenses up until this point in time; and it is further

ORDERED, that payment of such amounts shall be made directly to Plaintiff's attorney.

SO ORDERED. This 15 day of August 2013.

CONSENTED TO:


JAMES C. DEVER III
Chief United States District Judge

/s/ Janet M. Lyles
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